

FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A.NO.3188 OF 2005
IN
FIRST APPEAL NO.1306 OF 2005

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Ms.Gauri Godse for applicant.
Ms.Jane Cox for respondents.

**CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.**
DATED : 25th October 2005

P.C. :
1. Ms.Cox, learned Counsel
appearing for the respondents, has
got this matter listed on Board
today. This is in pursuance of
the order passed by a Division
Bench on 9th August 2005. She
informs that the applicant has
deposited the amount as directed
in that order. The respondents
were required to give a Bank
Guarantee for withdrawing that
amount and the Bank Guarantee was
to be kept alive till the disposal
of the Appeal. Ms.Cox further
informs that the Bank is prepared

to give a Guarantee for a period of three years to begin with and the same will be renewed thereafter. Her request is that the order passed on 9th August 2005 be modified accordingly. Ms. Godse, learned Counsel appearing for the applicant has no objection, provided the Bank Guarantee is renewed before the expiry of three years.

2. We accept the submissions of both the Counsel. The order passed on 9th August 2005 will stand modified to this limited extent, namely, that the respondents may give a Bank Guarantee of a Nationalised Bank for a period of three years to begin with and the same be renewed before the expiry thereof. The amount is deposited in the trial Court and, therefore, the Bank Guarantee will have to be given to the satisfaction of the trial

Court.

3. Ms.Cox further informs that the time to furnish a Bank Guarantee has expired and the same may be extended. We extend the same by four weeks hereafter.

4. We further add that in the event the Bank Guarantee is not so given within four weeks, the trial Court will invest the amount in a Nationalised Bank for a period of 37 months to begin with and continue to renew the investment by 13 months at a time until the Appeal is heard and decided.

5. Similarly in the event the Bank Guarantee is given but is not renewed at the end of three years, the concerned Bank will bring the money back into the trial Court and the trial Court will invest it in a Nationalised Bank. It may as well invest in the same Nationalised Bank. Civil Application stands disposed of.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)